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Unity, Equality, Aloha for All

To: OMH/WAL, JUD, FIN
From: Kenneth R. Conklin, Ph.D.
Re: HB1352
Date: February 4, 2013

TESTIMONY IN OPPOSITION

This bill proposes that "An owner of kuleana land shall be exempt from all state, county, and municipal taxation, fees, and charges of every kind for water usage in connection with the kuleana landowner's appurtenant water rights."

Appurtenant water rights might entitle a kuleana landowner to use whatever water flows freely to his property. Under some circumstances, and respecting the rights of other stream users, the landowner might even be entitled to divert stream water to flow through his kuleana as necessary for his taro crop, provided that he does the labor to create the diversion or that the landowner himself pays for the labor and cost of materials.

However, appurtenant water rights do NOT entitle the kuleana landowner to demand that neighbors or taxpayers must pay for the pipes or construction necessary to deliver the water.

All water users should be required to pay the same rate of taxes, fees, and other charges for the costs of delivering water to their homes and lands, and the costs for sewage treatment afterward.

February 4, 2013

Bill: HB1352
Measure
Title: RELATING TO WATER.

Committee: OMH/WAL

Hearing Date: Tuesday, February 6, 2013 at 8:30 a.m.

Dear Elected Representatives of the House:

This letter is written in support of passing HB No. 1352 to amend Section 174C-101 of the Hawaii Revised Statutes regarding Native Hawaiian water rights as reflected in this bill.

As appropriately recognized in the Hawaii Revised Statutes the descendants of Native Hawaiians who inhabited the Hawaiian Islands prior to 1778 have a specific legal status that is also recognized in Federal statutes different from other indigenous Pacific Islanders.

As appurtenant water rights of kuleana and taro lands are already included, Section 174C-101 of the H.R.S. should be clarified that such rights are also exempt from all state, county, and municipal taxation, fees, and charges of every kind for water usage in connection with the kuleana landowner's appurtenant water rights.

Thank you for your time and consideration of this very important issue.

With aloha,
L. Kamakanoe Paikuli-Stride

omhtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 8:44 PM
To: omhtestimony
Cc: starr@maui.net
Subject: Submitted testimony for HB1352 on Feb 6, 2013 08:30AM

Categories: OMH/WAL 02-06-13 830am3

HB1352

Submitted on: 2/4/2013

Testimony for OMH/WAL on Feb 6, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hugh Starr	Individual	Support	No

Comments: Aloha House Committee on Ocean, Marine Resources, and Hawaiian Affairs: I support HB 1352. I have been an agricultural land consultant on Maui for over 40 years and have had many an opportunity to marvel at the genius of the Hawaiian appurtenant water right and its intimate connection with Hawaii's lands. Traditional Hawaiian appurtenant water rights deserve and require special recognition, protection and accommodation considering the historic context of this unique and important water right to Hawaii's cultural and agricultural heritage. HB 1352 recognizes and supports this end. Thank you, Hugh Starr, Makawao, Maui

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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